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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/734,427	12/12/2003	Sundaram Ravikumar	RAV-002 CIP	3870								
7590 David P. Gordon, Esq. 65 Woods End Road Stamford, CT 06905		10/17/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DEMILLE, DANTON D</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td colspan="2">3771</td></tr></table>		EXAMINER		DEMILLE, DANTON D		ART UNIT	PAPER NUMBER	3771	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,427

Applicant(s)

RAVIKUMAR ET AL.

Examiner

Danton DeMille

Art Unit

3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites an inflatable lifting bladder 16 located between the base 12 and the foot rest 14. This bladder 16 would be located under the bottom of the foot rest 14. Claim 1 further requires a plurality of foot massaging bladders with one of them being located on the bottom portion of the foot rest. Since the foot rest has a top portion this is assumed to be where the sock is attached. The bottom must be underneath the foot rest 14. This is where the lifting bladder 16 is located. How can there be a foot massaging bladder on the bottom of the foot rest that is underneath the foot rest?

Claims 2, 13 recite a sock coupled to the foot rest and said plurality of foot massaging bladders are contained within the sock. It is not clear how said plurality of foot massaging bladders can be contained within the massage sock when claim 1 has already recited that the plurality of foot massaging bladders are coupled to the top and bottom of the foot rest.

Regarding claims 4, 15, it is not clear how the heel portion of the foot rest can couple the bottom portion to the top portion since the bottom portion is merely the bottom surface of the foot rest. There is nothing coupling the two together because they are opposite sides of one plate.

Regarding claims 5, 16, it is not clear how the sole massage bladder is located on the bottom portion of the foot rest when the sole bladder is located on the top portion of the foot rest.

Claim Rejections - 35 USC § 103

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grove et al. '468 in view of Tumey et al. '440 and Mizrachy '374.

Grove teaches a base 20, a foot rest 111 hingedly coupled to the base, an inflatable lifting bladder 133 and a pressure source 1. The Grove device is to stimulate circulation and exercise the muscles of the legs and feet to maintain or increase blood and lymph circulation. The Tumey device includes an inflatable bladder 36 under the foot, a bladder 38 on top of the foot including a portion for applying pressure around the ankle as shown in figure 2, to increase or stimulate blood flow in a limb extremity such as a foot. The device could be considered a massage sock because it is made of a flexible outer shell 22 for wrapping around the foot. It also includes a plurality of bladders located for heel massage 38, instep massage 38 and sole massage 36. Mizrachy is merely cited to teach the conventional combination of flexing the foot along with massaging to increase blood circulation as shown in the embodiment of figures 3 and 3a. It would have been obvious to one of ordinary skill in the art to modify Grove to include massaging elements such as the sock of Tumey to enhance the method of improving circulation as further suggested by Mizrachy.

Regarding claim 3, Tumey teaches using hook and loop fasteners to close the sock however, any conventional means such as a zipper for securing the two portions of the sock together would have been an obvious provision.

Regarding claims 5-8, Tumey teaches using two separate bladders however, there is no unobviousness to dividing the bladders into any number of bladders so as to isolate different areas of the foot for specific treatment. Tumey also teaches that each bladder has a different

pressure for applying different amounts of pressure to different parts of the body. While Tumey teaches using a flow restrictor to accomplish this task, merely using the controller 1 to control the amount of pressure in each bladder would have been an obvious provision. It would have been obvious to one of ordinary skill in the art to further modify Grove to use the controller to control the pressure within each bladder to automate the process to better control exactly what pressure is in each bladder.

Response to Arguments

Applicant's arguments filed 30 July 2007 have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to teach one at least one upper and one lower foot massaging bladder. It is not clear how much weight can be given these arguments since there appears to be nothing claimed to set forth this limitation. What is claimed is at least one bladder located on the top portion and one located on the bottom of the foot rest not located on the top and bottom of the foot of the user.

Even if there is claim language requiring at least one bladder located on the top and bottom of the foot, Tumey teaches bladder 38 that is located on the top portion of the foot and bladder 36 that is located on the bottom of the foot.

Regarding Mizrachy, it is maintained that Mizrachy is cited to teach it is convention to massage the foot by flexing the foot to increase blood circulation along with massaging lower portions of the leg. This is relevant because applicant's invention includes massaging the foot by flexing the foot along with massaging the upper portion of the foot and the lower portion of the leg above the ankle. All three of these references teach the convention of increasing blood flow

by massaging the bottom of the foot, the top of the foot, the ankle and portions of the leg above the ankle.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14 October 2007

/Danton DeMille/

Danton DeMille
Primary Examiner
Art Unit 3771